



Attorney Docket No. 1148/039

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3736 : PATENT APPLICATION

Examiner David J. McCrosky :

In re application of :

**APPARATUS FOR MONITORING HEALTH,
WELLNESS AND FITNESS**

TELLER ET AL :

Serial No. 09/923,181 :

Filed August 6, 2001 :

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TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

November 4, 2002

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. §§1.51, 1.56, 1.97 and 1.98, the art identified on attached form PTO-1449 enclosed herewith is cited in connection with the captioned application. The applicants hereby request the Examiner to review and make an independent evaluation of the art. A copy of the following references are provided:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:	
_____ November 4, 2002 Date of Deposit	
_____ Philip E. Levy, Esq. Name of Person Signing	
_____ <i>Philip E. Levy</i> Signature	

Reinhold, Jr., et al., United States Patent No. 4,531,527
Cooper et al., United States Patent No. 4,966,154
Suzuki et al., United States Patent No. 5,007,427
Dougherty et al., United States Patent No. 5,027,824
Kuo et al., United States Patent No. 5,148,002
Thornton, United States Patent No. 5,263,491
Nagashima, United States Patent No. 5,335,664
Unger, United States Patent No. 5,458,123
Segalowitz, United States Patent No. 5,511,553
Myllymaki, United States Patent No. 5,515,858
Mezack et al., United States Patent No. 5,645,068
Schulze et al., United States Patent No. 5,673,692
Dempsey et al., United States Patent No. 5,687,734
Tavori, United States Patent No. 5,724,025
Duffin et al., United States Patent No. 5,752,976
Raymond et al., United States Patent No. 5,778,882
Wang et al., United States Patent No. 5,832,296
Money et al., United States Patent No. 5,919,141
Pedersen et al., United States Patent No. 6,154,668
Kilcoyne et al., United States Patent No. 6,285,897
Cosentino et al., United States Patent No. 6,290,646
Duffin et al., United States Patent No. 6,292,698
Krausman et al., United States Patent No. 6,306,088
Akiva, United States Patent No. 6,341,229

Geva, United States Patent No. 6,366,871

Kumar et al., United States Patent No. 6,416,471

Place et al., United States Patent No. 6,450,953

Ferguson et al., United States Patent No. 6,454,708

Begun et al., United States Patent No. 5,474,090

Stark et al., United States Patent No. 5,484,389

Stark et al., United States Patent No. 5,823,975

Andrus et al., United States Patent No. 5,888,172

Stark et al., United States Patent No. 5,929,782

Hickman, United States Patent No. 6,059,692

Stark et al., United States Patent No. 6,184,797

Jacobsen et al., United States Patent No. 6,198,394

Lowe et al., United States Patent No. 6,298,218

Watterson et al., United States Patent No. 6,312,363

Stark et al., United States Patent No. 6,371,123

Hewlett-Packard Company, European Patent Application No. EP 0 707 825 A2

No fee is believed to be required in connection with the filing of this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(b)(3), before the mailing of a first Office Action on the merits of the above-captioned application. In addition, if an office action has been mailed, but not yet received, no fee is due since the Information Disclosure Statement would comply with 37 C.F. R. §1.97(c) because I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge, after making

reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants believe that their APPARATUS FOR MONITORING HEALTH, WELLNESS AND FITNESS as described and claimed in the present application is neither taught nor suggested by this prior art. Accordingly, applicants' invention is believed to be patentable over these prior art references.

Respectfully submitted,

METZ LEWIS LLC

A handwritten signature in black ink, appearing to read "Philip E. Levy".

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